

REMARKS

The Final Office Action, mailed February 4, 2009, considered claims 23–36. Claims 23–36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor et al., U.S. Patent No. 6,654,830 (filed Dec. 6, 1999) (hereinafter Taylor), in view of Eastep, U.S. Patent No. 5,566,328 (filed Jan. 23, 1995) (hereinafter Eastep), and in further view of Seejo Sebastine, *A Scalable Content Distribution Service for Dynamic Web Content* (University of Virginia, June 15, 2001) (hereinafter Sebastine).¹

By this response, claim 23 is amended such that claims 23–36 remain pending. Claims 23 and 36 are independent claims which remain at issue. Support for the amendments may be found within Specification ¶¶ 34–48.²

As reflected in the claims, the present invention is directed generally toward methods and computer program products for relocating and reorganizing legacy storage and for accessing the relocated storage such that clients in the network may access stored data, after the data has been moved to a new location, by using the original path name of the original location of the data.

Claim 23 recites, for instance, in combination with all the elements of the claim, a method for reorganizing storage and accessing the reorganized storage. The method includes, *inter alia*, relocating a share from a legacy server to a new server. The contents of the legacy share are copied to the new server and all data of the legacy share is copied to the new server. Permissions of the legacy share are also copied to the new server. An alias is created for the legacy server name such that the unchanged legacy server name resolves to the network address of a consolidation server. A root associated with the legacy share is created on the consolidation server and a link is created on the legacy server root corresponding to the share on the new server. The legacy server name is resolved and the consolidation server receives a request from a client for the legacy share. The consolidation server rewrites the legacy share path name and traverses the rewritten share path name and resolves links within the path. The consolidation

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Please note that the paragraph numbers are taken from the published application, U.S. Pat. Pub. No. 2004/0243646 (Dec. 2, 2004). It should also be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

server responds to the request with the share path name of the (new) location of the relocated legacy share.

Claim 36 recites a computer program product embodiment of the method of claim 23.

Independent claims 23 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Taylor, in view of Eastep, and in view of Sebastine.³ In the previous response, the Applicants traversed the rejections of record without amendments to the claims. However, the Office did not find the arguments persuasive and maintained the rejections of the previous office action.⁴

The Applicants respectfully disagree and maintain and reassert each of the traversals of the rejections as discussed in the response filed Dec. 15, 2008. The traversals notwithstanding, however, the Applicants have now amended the independent claims to more particularly point out particular embodiments of the claimed invention.⁵ The Applicants submit that the cited references fail to teach or suggest all the limitations of the claims as now presented.

In particular, the cited references, considered both separately and in combination, fail to teach or suggest copying contents of the legacy share to the new server, the contents comprising all data of the legacy share stored upon the legacy server. The cited references, considered both separately and in combination, also fail to teach or suggest copying permissions of the legacy share to the new server. The cited references, considered both separately and in combination, also fail to teach or suggest creating an alias for the legacy server name such that the unchanged legacy server name resolves to a network address of a consolidation server.

The cited references, considered both separately and in combination, also fail to teach or suggest creating a legacy server root associated with the legacy server name on the consolidation server. The cited references, considered both separately and in combination, also fail to teach or suggest creating a link on the legacy server root corresponding to the legacy share on the new server. The cited references, considered both separately and in combination, also fail to teach or suggest resolving the legacy server name that is aliased to the consolidation server. The cited references, considered both separately and in combination, also fail to teach or suggest

³ Office Communication p. 5 (paper no. 20090129, Feb. 4, 2009).

⁴ Office Comm. p. 2.

⁵ Please note that the amendments do not evince any concession on the part of the Applicants as to the asserted rejections. The Applicants maintain that the rejections of the previously presented claims are inappropriate and reserve the right to pursue any previously presented claims or subject matter at such a time (e.g., in a continuation application) which may be considered to be appropriate or desirable.

receiving at the consolidation server a request from a client for the legacy share, the request specifying the original, unchanged legacy share path name.

The cited references, considered both separately and in combination, also fail to teach or suggest the consolidation server rewriting the legacy share path name by prepending the legacy share path with the consolidation server name. The cited references, considered both separately and in combination, also fail to teach or suggest the consolidation server traversing the rewritten legacy share path name and resolving links within the rewritten legacy share path name. The cited references, considered both separately and in combination, also fail to teach or suggest the consolidation server responding to the client request with the share path name of the storage location of the relocated legacy share.

Because of the distinctions noted, *inter alia*, the Applicants submit that rejections of independent claims 23 and 36 under 35 U.S.C. § 103(a) as being unpatentable in view of Taylor, in view of Eastep, and in view of Sebastine would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of independent claims 23 and 36 (as well as the respective dependent claims).

In view of at least the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 4th day of June, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", with a stylized flourish at the end.

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